

Open Space Amendment – Common Questions

Is the OSA an appropriate amendment for the Charter?

A Charter amendment is needed in order to add the additional protection of a majority vote of the people to conservation lands already owned by the county. The OSA would create a 2-step process for removing properties from permanent protection: 1) the Council or the people would have to initiate an amendment to remove the property, and 2) a majority of voters would have to approve the amendment.

A Charter amendment provides a check to changes in county leadership, different political climates, alterations in growth management law, and other forces that could reverse current open space protections.

Along with this high level of protection, the OSA also provides government with the flexibility to conduct normal business and confront emergency situations. It is not a total lock on the properties. The Charter could be amended in the future to remove them from Charter protection if the public so desires, or if required for the public good.

Is there any precedent for such an Amendment?

The King County Farmlands Preservation Program (FPP), a similar program to the OSA, has been successfully operating since 1979. The program permanently protects more than 13,000 acres of county farmland, and requires a public vote to remove a farm from protection. In the 30-year history of the FPP, the protected properties have withstood all challenges and legal battles.

While there is no known provision in a county charter that is similar to the OSA, King County has long been a leader in innovative ways to protect the natural environment. From the Transfer of Development Rights program to current efforts to combat climate change, the county has been recognized for developing new approaches to environmental challenges.

Isn't it odd to have a list of properties in the Charter?

The Charter itself contains a number of provisions that are not directly related to the structure of county government. These provisions reflect the highest values of the county and county residents. For instance, Section 843 (Freedom of religion) guarantees absolute freedom of conscience in all matters of religious sentiment, belief, and worship to all county residents. And Section 840 (Anti-Discrimination) guarantees freedom from discrimination in county employment and contracting practices.

To legally implement this amendment as written, including requiring a majority vote of the people to add or remove properties from protection, the list of properties must be added to the Charter rather than adopted by ordinance.

Does the OSA change the use or management of protected properties?

No, the OSA does not change the use of a property, but rather protects the current use. There would be no change in how residents or businesses currently use or manage these lands.

The conservation-oriented funding sources used to acquire these properties allow for a range of activities and management practices on the land. None of the properties are classified as wilderness or exclusive nature preserves. Practices compatible with conservation include

controlling invasive species, controlling and minimizing pest damage, and other resource management tools. The OSA creates no extra layer of approval for these activities.

The OSA does contain broad exceptions for the public good. It is not intended to restrict any actions the county may need to take to protect the public, comply with state or federal law, supply public utilities, or perform habitat restoration.

Why do we need this amendment? What is the problem?

The population of Central Puget Sound is expected to double to more than 7 million people over the next 100 years. Development pressure on King County land will only continue to increase, as will the demand for locally produced food, fiber, and timber.

One current example of protected land under pressure comes from the Farmlands Preservation Program. FPP lands are restricted to agricultural use, and require a public vote to be removed from protection. At the protected Muller Farm, the FPP's covenants worked as intended. The Farm is located between Woodinville, Kirkland, and Redmond in the Sammamish Valley Agricultural Production District, home to some of the most productive agricultural land in the state. It is also surrounded by rapid population growth and development.

In 1994, Lake Washington Youth Soccer Association purchased the 112-acre Muller Farm in Redmond with full awareness of the protective covenants, but with a belief that they could find a way around them. The legal challenges went all the way to the State Supreme Court, which determined that the land must remain agricultural. The FPP's covenants were integral to the Court's decision. The farm is now slated to become a horticultural teaching facility, and the soccer association is developing fields on non-agricultural land.

The following satellite map shows development approaching all around Mueller Farm.

